

**Notice of Allowability**

Application No.

10/727,358

Examiner

Brian Whiteman

Applicant(s)

KOLESNICK ET AL.

Art Unit

1635

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment filed on 10/16/06 and 4/23/07.
2. ☒ The allowed claim(s) is/are 7,9-15,17-20,34,35 and 37-50.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some\* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |                                                                                                                              |                                                                                                             |
|------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)                                                             | 5. <input type="checkbox"/> Notice of Informal Patent Application                                           |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                         | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date <u>5/22/07</u> . |
| 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO/SB/08),<br>Paper No./Mail Date <u>10/16/06</u> | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment                                         |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material                   | 8. <input type="checkbox"/> Examiner's Statement of Reasons for Allowance                                   |
|                                                                                                                              | 9. <input type="checkbox"/> Other _____.                                                                    |

### EXAMINER'S AMENDMENT

An extension of time under 37 CFR 1.136(a) is required in order to make an examiner's amendment, which places this application in condition for allowance. During a telephone conversation conducted on 7/6/07, Christine Dietzel requested an extension of time for 3 MONTH(S) and authorized the Director to charge Deposit Account No. 11-1153 the required fee of \$450.00 (510.00-60.00, applicant already paid for a one month extension under small entity) for this extension and authorized the following examiner's amendment. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Christine Dietzel on 7/9/07.

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

The application has been amended as follows:

The following amendment to the claims replaces the pending version of these claims.

Claim 7: An isolated antisense oligonucleotide that is 100% complementary to SEQ ID NO: 5, wherein the oligonucleotide is 18 to about 50 nucleotides in length.

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Claim 12: A recombinant DNA molecule comprising a nucleic acid sequence which encodes on transcription an antisense RNA of 18 to about 50 nucleotides in length that is 100% complementary to SEQ ID NO: 5.

Claim 15: An expression vector that expresses a nucleic acid that is 100% complementary to SEQ ID NO: 5, wherein said nucleic acid inhibits expression of KSR and is 18 to about 50 nucleotides in length.

Claim 20: A composition comprising an expression vector and a pharmaceutically acceptable carrier or diluent, wherein said expression vector expresses a nucleic acid that is 100% complementary to SEQ ID NO: 5, wherein said nucleic acid inhibits expression of KSR and is 18 nucleotides to about 50 nucleotides in length.

**Specification:**

The term "aree" in the abstract on line 6 has been replaced with -- are --.

**Examiner's Comments**

In view of the interview summary, the advisory action is vacated and the after final amendment filed on 4/23/07 is entered.

The examiner's amendment to the claims overcomes the rejections of record. See interview summary filed on 5/22/07.

The articles provided on 7/9/07 that were not in compliance with 37 CFR 1.98 (a)(2) from the information disclosure statement (IDS) submitted on 10/16/06 are being considered by the examiner. Applicant only provided the abstract for these articles and cited the entire article. The entire articles are now provided and are in compliance with 37 CFR 1.98(a)(2). NOTE: Articles CB-CE were considered on 5/22/07. Documents AA-AD, AG, AH, BA, BB, CA, CG, CJ, CL, CN, CO, CS, CU, CV, CX, DB, DE, DH, DM, DN, and DP-DU were considered on 1/11/07. See MPEP 609.05(a).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian Whiteman whose telephone number is (571) 272-0764. The examiner can normally be reached on Monday through Friday from 6:30 to 4:00 (Eastern Standard Time), with alternating Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Douglas Schultz, SPE – Art Unit 1635, can be reached at (571) 272-0763.

Papers related to this application may be submitted to Group 1600 by facsimile transmission. Papers should be faxed to Group 1600 via the PTO Fax Center. The faxing of

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such papers must conform with the notice published in the Official Gazette, 1096 OG 30 (November 15, 1989). The Fax Center number is (571) 273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to (571) 272-0547.

Patent applicants with problems or questions regarding electronic images that can be viewed in the Patent Application Information Retrieval system (PAIR) can now contact the USPTO's Patent Electronic Business Center (Patent EBC) for assistance. Representatives are available to answer your questions daily from 6 am to midnight (EST). The toll free number is (866) 217-9197. When calling please have your application serial or patent number, the type of document you are having an image problem with, the number of pages and the specific nature of the problem. The Patent Electronic Business Center will notify applicants of the resolution of the problem within 5-7 business days. Applicants can also check PAIR to confirm that the problem has been corrected. The USPTO's Patent Electronic Business Center is a complete service center supporting all patent business on the Internet. The USPTO's PAIR system provides Internet-based access to patent application status and history information. It also enables applicants to view the scanned images of their own application file folder(s) as well as general patent information available to the public.

For all other customer support, please call the USPTO Call Center (UCC) at 800-786-9199.

/Brian Whiteman/  
Primary Examiner, Art Unit 1635